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ORIGIN INR-07

INFO OCT-01 EUR-12 ISO-00 /020 R

DRAFTED BY INR/RSE:PVALDES

APPROVED BY INR/DDR:MPACKMAN

INR/RSE - PKCOOK

EUR/RPM - DJONES (INFO)

EUR/RPM - JMARESCA (INFO)

EUR/CE - JKORNBLUM

----- 095846

R 140532Z FEB 76

FM SECSTATE WASHDC

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RR RFWFA RFWFB RFWFD RFWFE RFWF F RFWFG RFWFH RFWFI RFWFK

RFWFL RFWFM RFWFN RFWFO RFWFP RFWFQ RFWFR RFWFZ

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POLITICAL ANALYSIS: EAST GERMANY ISSUES MIXED SIGNALS ON
EXFILTRATION

1. IN THE AFTERMATH OF THE CSCE FINAL ACT, THE EAST GERMAN
REGIME HAS FOUND ITSELF IN A QUANDARY. LIKE ITS WARSAW
PACT COMPATRIOTS, IT HAS BEEN LOATH TO INCUR WESTERN
CHARGES OF NON-COMPLIANCE. AT THE SAME TIME, IT HAS BEEN
SENSITIVE TO EXFILTRATION, ESPECIALLY VIA BERLIN. IT HAS
CLEARLY FELT OBLIGED TO CONTINUE TO INHIBIT IF NOT PREVENT
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ANY AND ALL EXFILTRATION ATTEMPTS. FACED WITH THESE CON-

FLICTING PRESSURES, EAST GERMAN POLICY HAS PRODUCED AND IS
LIKELY TO CONTINUE TO PRODUCE MIXED SIGNALS.

2. BACKGROUND: THE EAST GERMAN REGIME HISTORICALLY HAS
SUFFERED MORE THAN OTHER EAST EUROPEAN COUNTRIES FROM MASS

FLIGHTS OF ITS POPULATION. THE BERLIN WALL REDUCED THE
PROBLEM TO MANAGEABLE PROPORTIONS BUT DID NOT SOLVE IT.
AN ESTIMATED 160,000 EAST GERMAN REFUGEES HAVE MADE THEIR
WAY TO THE FRG SINCE THE WALL WAS BUILT IN AUGUST 1961.
THE FRANKFURTER ALLGEMEINE ZEITUNG CITED BONN CHANCELLORY
FIGURES OF 5,342 REFUGEES IN 1974 AND AN ESTIMATED 5,500
IN 1975. IN NO YEAR SINCE 1961 HAVE THEY DROPPED BELOW
5,000.

3. WITH THE SIGNING OF THE QUADRIPARTITE AGREEMENT ON
BERLIN (QA) IN 1971, TRAFFIC CONTROLS WERE VASTLY SIMPLI-
FIED. WHILE THE TOTAL NUMBER OF REFUGEES HAS NOT INCREASED
SIGNIFICANTLY SINCE THE QA, THE POTENTIAL FOR A SHARP
INCREASE EXISTS.

4. THE REFUGEES CONTINUE TO CREATE A POLITICAL AND AN
IMAGE PROBLEM IN A COUNTRY TRYING TO DEVELOP A NATIONAL
CONSCIOUSNESS, AND AN ECONOMIC PROBLEM BY CONTRIBUTING TO
AN ALREADY SERIOUS LABOR SHORTAGE. THE CSCE HAS ALSO
COMPOUNDED THE REGIME'S DIFFICULTIES IN TRYING TO COPE
WITH THE REFUGEE FLOW. MEASURES TO LIMIT FLIGHT CAN BE
SEIZED UPON AS INCOMPATIBLE WITH HELSINKI'S BASKET III,
WHILE GESTURES TO DEMONSTRATE COMPLIANCE WITH HELSINKI CAN
BE INTERPRETED AS SIGNS OF A LOOSENING AND THUS ENCOURAGE
MORE FLIGHTS. A SERIES OF RECENT GDR ACTIONS REFLECTS
THE DILEMMA.

5. HEAVY SENTENCE FOR EXFILTRATOR: ON JANUARY 26 AN EAST
BERLIN COURT SENTENCED A WEST BERLINER, 29-YEAR-OLD RAINER
SCHUBERT, TO 15 YEARS' IMPRISONMENT FOR ASSISTING MORE
THAN 100 EAST GERMANS TO ESCAPE TO THE WEST. SOME WESTERN
NEWSMEN WERE ADMITTED TO THE FIVE-DAY TRIAL. THIS REPORT-
EDLY IS AS SEVERE AS ANY SENTENCE EVER GIVEN FOR THIS
OFFENSE AND SEEMS TO BE INTENDED AS A SHARP WARNING TO
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THOSE IN BOTH THE FRG AND THE GDR WHO MAY HAVE INTERPRETED
SEVERAL RECENT SIGNS OF LENIENCY TOWARD ESCAPEES AS AN
INDICATION OF REDUCED VIGILANCE.

6. SPIEGEL EXPOSE ELICITS REACTION: IN ITS EFFORTS TO
COUNTER THE DECEMBER SPIEGEL STORY CHARGING IT WITH USING
THE FORCED ADOPTION OF CHILDREN AS PUNISHMENT FOR ATTEMPTED
OR ACTUAL FLIGHT FROM THE GDR, THE REGIME EXPELLED THE

RESIDENT SPIEGEL CORRESPONDENT AND ORGANIZED A RAPID PROPAGANDA RESPONSE. IT TOOK CONSIDERABLE PAINS OVER THE INTERNAL DISTRIBUTION OF ITS COUNTER-ARGUMENTS. THE REGIME APPEARED CONCERNED OVER THE IMPACT OF THE SPIEGEL STORY BOTH EXTERNALLY, WHERE ITS NEWLY ACQUIRED INTERNATIONAL STATUS HAS NOT CURED ITS PERPETUAL INFERIORITY

COMPLEX, AND INTERNALLY, WHERE IT IS TRYING TO WHIP UP DEMONSTRATIONS OF PUBLIC ENTHUSIASM IN PREPARATION FOR THE MAY CONGRESS OF THE SED.

7. SEVERAL GESTURES FOLLOWING THE SPIEGEL EPISODE APPEAR TO HAVE BEEN INTENDED TO REPAIR THE DAMAGE TO THE GDR IMAGE:

(A)--AN EAST BERLIN COURT DECISION WAS REVERSED AND A CHILD WHO HAD BEEN GIVEN IN ADOPTION WAS RETURNED TO HIS MOTHER IN EAST BERLIN.

(B)--A WEST BERLIN WOMAN AND A WEST GERMAN WERE RELEASED AND TURNED OVER TO WEST BERLIN AUTHORITIES AFTER HAVING BEEN SENTENCED TO TWO AND ONE-HALF YEARS' IMPRISONMENT FOR ASSISTING A DOCTOR'S FAMILY TO ESCAPE. THEY WERE FREED DESPITE THE REGIME'S SPECIAL SENSITIVITY TO THE LOSS OF DOCTORS.

(C)--THE US EMBASSY IN EAST BERLIN REPORTED THE UNUSUAL CASE OF A MAN ON JANUARY 15 RUNNING THROUGH CHECKPOINT CHARLIE TO WEST BERLIN WITHOUT BEING SHOT AT.

8. BUT VIGILANCE IS NEEDED: WHILE THE REGIME SOUGHT TO DEMONSTRATE BY THESE ACTS THAT ITS BEHAVIOR IS NOT INHUMAN, IT PRESUMABLY ALSO WANTED TO AVOID ENCOURAGING A WAVE OF LIMITED OFFICIAL USE

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ESCAPE ATTEMPTS. POTENTIAL ESCAPEES AND WESTERN ORGANIZERS, THEREFORE, HAD TO BE PUT ON NOTICE.

9. FOR THIS PURPOSE, SCHUBERT APPARENTLY WAS THE MOST SUITABLE INSTRUMENT AVAILABLE. HE HAD BEEN IN JAIL A YEAR ALREADY AND WAS SAID TO HAVE ADMITTED ASSISTING IN 130 ESCAPE ATTEMPTS AND PERSONALLY ORGANIZING 86 OF THEM. HE ALSO REPORTEDLY ADMITTED TO BEING PAID FOR HIS SERVICES. HE COULD THEREFORE BE PRESENTED AS A "PROFESSIONAL TRAFFICKER IN HUMANS," AS THE GDR RADIO PUT IT, PERFORMING HIS WORK FOR PROFIT. AS PART OF THE DETERRENT EFFECT THE PROSECUTION ASKED FOR A LIFE SENTENCE, WHICH THE COURT REDUCED TO 15 YEARS (THE LONGEST SENTENCE POSSIBLE SHORT OF LIFE) ON THE GROUNDS THAT SCHUBERT HAD CONFESSED AND HAD ALSO SUPPLIED USEFUL INFORMATION ON THE

TECHNIQUES USED BY ESCAPE ORGANIZERS.

10. FUTURE HANDLING UNCERTAIN: ASSUMING THAT THE SCHUBERT TRIAL AND THE EARLIER GESTURES OF LENIENCY ARE COMPLEMENTARY, ONE PROBABLY CAN EXPECT THE EAST GERMANS TO TREAT FUTURE ESCAPE CASES, AND THE DECISIONS ASSOCIATED WITH THEM, ON A CASE-BY-CASE BASIS. THEY WILL PROBABLY TRY

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TO AVOID A REPETITION OF SOME OF THEIR MORE ODIIOUS PAST BEHAVIOR, WHENEVER A CASE IS APT TO BECOME KNOWN AND SECURITY REQUIREMENTS, IN THEIR JUDGMENT, ALLOW GREATER LENIENCY. IN PRACTICE, THIS MIGHT MEAN MORE CHILDREN BEING REUNITED WITH THEIR PARENTS AND PERHAPS GREATER RESTRAINT IN GUNFIRE AT THE BORDER. HOWEVER, THEY WILL PROBABLY ALSO CONTINUE FROM TIME TO TIME TO MAKE CLEAR FORCEFULLY THAT THE BASIC POLICY OF SHUTTING IN THE GDR CITIZENRY REMAINS VERY MUCH IN FORCE. THEY APPEAR TO CONTINUE TO BE WILLING TO ACCEPT CURRENT LEVELS OF EXFILTRATION WITHOUT RESORTING TO MEASURES ON THE AUTOBAHNS THAT WOULD BE IN CONTRADICTION TO THE QA.

11. A SHARP INCREASE IN EXFILTRATION MIGHT TEMPT THEM TO IMPOSE CONTROLS, AND THIS OF COURSE WOULD INVOLVE THE US, AS A SIGNATORY OF THE QA. IF A US SOLDIER WERE TO BE CAUGHT AIDING AN ESCAPEE AND THE EAST GERMANS MADE AN LIMITED OFFICIAL USE

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ISSUE OF IT, THE US WOULD ALSO BECOME INVOLVED. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, SMUGGLING, REFUGEES
Control Number: n/a
Copy: SINGLE
Draft Date: 14 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE036804
Document Source: CORE
Document Unique ID: 00
Drafter: PVALDES
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760057-1142
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760247/aaaabpbw.tel
Line Count: 202
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN INR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 26 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 MAR 2004 by ElyME>; APPROVED <01 JUL 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: POLITICAL ANALYSIS: EAST GERMANY ISSUES MIXED SIGNALS ON EXFILTRATION
TAGS: PFOR, SREF, GC, WB
To: OIC PTC NATO BRUSSELS NATO POSTS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006